

## **REMARKS**

Entry of the foregoing amendments is respectfully requested. Claims 1, 5-9 have been amended, claim 4 is cancelled, and claims 10-21 have been added. Claims 1-3 and 5-21 are pending in the application. Favorable reconsideration and allowance of this application is respectfully requested in light of the foregoing amendments and the remarks that follow.

### **1. Claim Objections**

Claims 7 and 9 are objected to because of informalities. Specifically, claim 7 is improperly dependent and “carrier” in claim 9 lacks antecedent basis. Applicant has amended claims 7 and 9 to remove the informalities. Accordingly, reconsideration and withdrawal of the objections is respectfully requested.

### **2. Rejections under 35 U.S.C. 112, second paragraph**

Claims 1-9 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, claim 1 recites “a cleaning device”, but the body of the claim lacks any cleaning element. Applicant has amended claims 1 and 8 to recite a “cleaning” head. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

### **3. Indication of Allowable Subject Matter**

Applicant wishes to thank the Examiner for indicating that claims 6 and 7 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

### **4. Rejections in view of Alleged Prior Art**

Claims 1-5 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2006/0010625 to Tapper et al. (herein “the Tapper reference”), which claims priority to Provisional Appl. No. 60/587,657 filed on July 14, 2004. Claims 1-3 and 9 also stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,309,593 to Yonechara (herein “the Yonechara patent”). Claim 8 stands rejected under 35 U.S.C. 103(c) as being

unpatentable over the Yonechara patent in view of U.S. Patent No. 5,950,270 to Tono (herein "the Tono patent").

Claim 1 as amended recites a hard surface floor cleaning device that includes, *inter alia*, a cleaning head having a housing, and a rechargeable battery disposed within the housing for powering at least one powered vibratory unit. The at least one vibratory unit imparts a substantially vertically oriented vibration to the cleaning head to enhance efficacy of cleaning of a floor surface.

The present application claims priority to Provisional Appl. No. 60/430, 721 filed December 3, 2002 (See paragraph 1 - Cross-Reference to Related Applications). Therefore, the Tapper reference is not available as prior art. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection.

A review of the other cited references fails to disclose the patentable subject matter recited in claim 1. Accordingly, reconsideration and allowance of claim 1 is respectfully requested.

Claims 2-3 and 5-9 depend either directly or indirectly from claim 1 and are believed allowable for the same reasons that claim 1 is believed allowed. Claims 2-3 and 5-9 are also believed to recite patentable subject matter in addition to that recited in claim 10. For example, none of the cited references disclose a cleaning device that includes, *inter alia*, a power switch electrically coupled between the battery and the motor as recited in claim 5.

## **5. New Claims**

New claim 10 generally recites the subject matter of claim 6 that the Examiner indicated to be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claims 11-15 depend either directly or indirectly from claim 10 and are believed allowable for the same reasons that claim 10 is believed allowed. Claims 11-15 are also believed to recite patentable subject matter in addition to that recited in claim 10. For example, claim 11 recites patent subject matter as that recited in allowable claim 7. In another

example, none of the cited references disclose cleaning device that includes a second switch that in a first position causes a distinctive difference in relative speeds of the first and second motors creating a beat frequency so as to induce a lateral rocking motion of the head, and the second switch in a second position causes the first and second motors to operate at generally equally speeds, as recited in claim 15.

Claim 16 generally recites the subject matter of claims 6 and 7 indicated by the Examiner to be allowable if rewritten in independent form. Claims 17-21 depend either directly or indirectly from claim 16, and are believed allowable for the same reasons that claim 16 is believed allowed. Claims 17-21 are also believed to recite patentable subject matter in addition to that recited in claim 16. For example, none of the cited references disclose a cleaning device that includes, *inter alia*, a second switch that in a first position causes a distinctive difference in relative speeds of the first and second motors so as to create a beat frequency to induce a lateral rocking motion of the head, and the second switch that in a second position causes the first and second motors to operate at generally equal speeds. Also, none of the cited references disclose a trigger mechanism configured to actuate an aerosol canister so as to spray cleaning solution from the canister to the hard surface floor.

### CONCLUSION

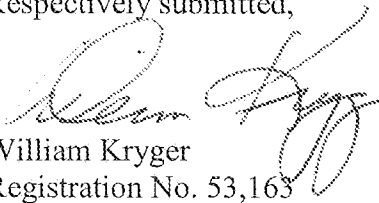
It is submitted that claims 1-3 and 5-21 are in compliance with 35 U.S. C. §§112, 102, and 103 as each defines patentable subject matter. A Notice of Allowance is therefore respectfully requested.

No fee is believed to be payable with this communication. Thus, should the Examiner consider any other fees to be payable in conjunction with this or any future communication, the director is authorized to charge any fee or credit any overpayment to Deposit Account No. 50-1170.

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The Examiner is invited to contact the undersigned by telephone if it would help expedite the prosecution and allowance of this application.

Respectively submitted,



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